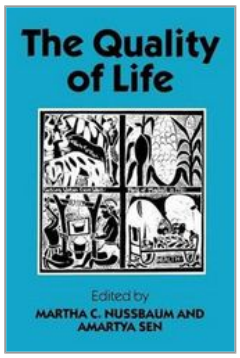

The Quality of Life
Martha Nussbaum and Amartya Sen

Print publication date: 1993
Print ISBN-13: 9780198287971
Published to Oxford Scholarship Online: November 2003
DOI: 10.1093/0198287976.001.0001

Paul Seabright: Pluralism and the Standard of Living

Derek Parfit

DOI:10.1093/0198287976.003.0030

Abstract and Keywords

Parfit first takes on Seabright's contractualist assumption (‘Nothing is society's business unless it could be the subject of an appropriate hypothetical social contract’) and questions Seabright's view about what could be covered by such a hypothetical agreement. Parfit then attacks Seabright's method of assessing the value of various goods and services. Finally, Parfit exposes the ambiguity in Seabright's appeal to pluralism.

Keywords: assessment, contractarianism, measurement, pluralism, social contract

[I]

In his rich and stimulating paper, Paul Seabright claims that governments should take a narrow view of human well-being. The ‘aspect of . . . well-being that falls within the proper

sphere of society's concern’—or, for short, the standard of living—consists, he argues, of ‘rights over scarce physical commodities’ and ‘rights to the performance of services’. Seabright admits that, on this narrow view, the standard of living fails to include ‘many of the most important elements in the flourishing of human beings’. But these elements, he believes, ‘are simply not society's business’. It would be quite illegitimate for a government, when deciding between public policies, to take such things into account.

Seabright's premisses are contractualist. ‘Nothing is society's business’, he writes, ‘unless it could be the subject of an appropriate hypothetical social contract’. Since he does not defend this assumption, I shall not question it here. But I shall question Seabright's view about what *could* be covered by such a hypothetical agreement.

At times he suggests that contracts can cover only what we can either exchange, or do. Thus he writes, ‘it is not the business of society at large whether people have happy marriages’ since this is not the kind of thing that people could ‘contract to do’. Nor can the standard of living include such things as the quality of the arts or television, since ‘one cannot contract to have good taste’.

On this assumption, it would not be society's business whether people have good health. But Seabright agrees that health is part of the standard of living. He therefore turns, like Dworkin, to the notion of insurance. Though being healthy is not something that we could contract to do, we can insure against bad health.

We can insure against other things too. By appealing to the notion of insurance, a contractualist might reach a much broader view about the proper role of government. If he imagines a sufficiently ideal insurance scheme, there would indeed be few limits.

Seabright rejects this line of thought. He insists that, as contractualists, we should not appeal to an Ideal Insurer. We should imagine only *feasible* insurance schemes; and these would be far more limited in scope. The chief restriction is that, to be feasible, an insurance scheme can cover only

publicly verifiable events. This is why, though our health affects our standard of living, the happiness of our marriages does not. We could not reasonably expect to insure against marital disharmony or distress. Nor could we expect to insure against seeing rubbish on television.

(p.411) Must a contractualist accept this restriction? There are indeed good reasons, to do with verifiability and moral hazard, why we cannot insure against unhappiness. And, to be enforcible, contract law cannot turn on aesthetic judgements. But these points do not apply to many areas of public life. Suppose there are reasons to believe that certain kinds of housing provision, or certain details of family law, increase the incidence of depression in tower block dwellers, or mothers of young children. Why may not planners take such things into account? That one cannot insure against depression may be claimed to be irrelevant. Or consider the question of which buildings, or parts of the countryside, the government should protect. Judgements about beauty cannot be part of contract law. Why should this exclude them from planning decisions? Why may not the standards of verifiability depend on the context, and on the purposes in question?

One relevant difference is precisely that between public planning and private insurance. Thus, in the running of a health service, doctors may try to assess the effects of different treatments on the quality of people's lives. In making this assessment, they may try to gather evidence about such intangibles as comfort, dignity, or *joie de vivre*. Such evidence would fall far below the standards of verifiability that would be required by a private health insurance scheme. But this seems irrelevant.

The point is partly this. In the case of private insurance, what the claimant gains is a loss to the insurance company. Hence the scope for moral hazard; and hence the reasonable requirement that, for a claim to be legally enforcible, the relevant contingency be both well defined and easy to observe. But in areas like health administration, town planning, or education, the question is not whether some insurance company should be forced to bear a loss. The question is which of various policies is, on balance, best. With such a

question, there is no need for the same degree of verifiability. In a choice between different policies, there is no special burden of proof which needs to be met. Why should we not here give some weight to *any* evidence which seems to bear on individual well-being? In Sen's words, is it not better to be vaguely right than precisely wrong?

Seabright would reply that this is to misunderstand his argument. He requires verifiability, not because he wants precision, but because of a more general view about the role in moral theory of imaginary cases. He claims that, to be relevant, an imaginary social contract must be '*recognizably like contracts made by real people in the real world*'.[1]

For his defence of this crucial claim, Seabright refers us to the first part on his paper. This attempts to show that 'our choice of a moral or political theory should not . . . be significantly influenced by our intuitive reactions to what (p.412) it recommends in impossible or sufficiently unlikely circumstances'.[2]

One of Seabright's points is this. We should not reject a theory simply because it is counter-intuitive in some cases; for all we know, this may be true of *every* theory. This point seems to me correct. But it does not show that we should ignore our intuitions about imaginary cases. It shows only that we should not reject one theory unless we have another theory which seems better.

Seabright makes two other claims. He points out that, if an imagined case is sufficiently bizarre, it may be doubtfully intelligible. Even if we can understand the case, we may fail to realize what it would involve. These are indeed good grounds for doubting our intuitive reactions. But this point applies only to some imaginary cases. It does not cover cases which depart from reality in understandable ways. As Seabright notes, by considering such cases, we can 'abstract away from the messy and confusing detail' of ordinary life. Compare the use, in science, of artificial tests, or impossible thought experiments. If we can clearly imagine what would be involved in such cases, we need some different ground for doubting our intuitive reactions.

Seabright's third point does apply to all imaginary cases. He suggests that, since ‘our ethical intuitions are the product of a long process of both biological and cultural evolution’, we should expect them to be trustworthy only in the kinds of case in which they arose. These must all be cases which could actually occur.

This claim seems to me too strong. If a case is impossible only because we have imagined away various complicating features, there seems no reason to distrust our reactions to those features that remain. Moreover, as Seabright remarks, we should expect these kinds of evolution to distort our intuitions in various ways. Thus selective pressure favours partiality, tribalism, and aggression. Similarly, when we think about actual cases, we may be influenced by an awareness that some moral claim would threaten our own privileged position. Thinking about non-actual cases may help us to rise above these distorting influences.[3]

Let us now return to Seabright's main argument. How do his claims about imaginary cases support that argument?

They provide, I believe, little support. If we doubt Seabright's argument, this is not because, in some impossible imagined case, we find his moral view counter-intuitive. Since this is not the issue, it is irrelevant whether, and when, (p.413) we should distrust our intuitions. The question is whether, in a contractualist theory, our imagined social contract *must* be as verifiable as an actual contract. There may be ways to defend this claim; but the issues raised are different.

Consider, for example, Rawls's imagined ‘original position’. This is intended as an artificial model to help us to work out the implications of certain assumptions about moral reasoning. If we reject this model, our objection cannot be that, when we consider such a case, we should not trust our moral intuitions. Rawls's argument does not appeal to these intuitions.

There is a further problem. Seabright allows the contractualist model to be, in various ways, unrealistic. Thus he does not exclude a Rawlsian veil of ignorance. The parties to the social contract can be assumed to know nothing about themselves. They are quite unaware of their own aims, abilities, ideals,

attitudes to risk, and every other individual feature. An imagined contract between such people is not, in *this* respect, 'recognizably like contracts made by real people in the real world'. Why must it be, in other respects, just like them? Seabright objects that, if we allow the contract to cover unverifiable features—such as the happiness of our marriages—we are imagining individuals who are 'completely transparent to each other'. But he allows us to imagine individuals who are completely opaque to themselves.

Seabright might reply that, even if the contract can be *made* in an unreal world, it must be imagined to *apply* in the real world. This reply is not, I think, sufficient. We should indeed, within a contractualist approach, prefer principles that would be easy to apply. It is in part for this reason that Rawls states his Second Principle in terms, not of well-being, but of primary goods.

Much of Seabright's argument could be recast along these lines. But such an argument could not, I think, yield his conclusion. It could not show that, in every choice between social or economic policies, governments should consider only those facts that could have entered into private contracts or insurance schemes. Such an argument would have to admit that, in different contexts, different degrees of verifiability would be appropriate. Claims about injustice, like claims about rights, need to be simple, and, as far as possible, verifiable. But the grounds for thinking this apply with much less force to a vast range of policy decisions. Besides the examples I have mentioned—health administration, family law, town planning, and the protection of the countryside—there are countless others. If we insist that, in all such cases, we would admit as relevant only verifiable facts—if we echo Mr Gradgrind—we shall not get good decisions. Practical considerations count *against* this narrow view.[4]

(p.414) [II]

I turn to a more particular question raised by Seabright's approach. On his account, the standard of living consists of our command over various goods and services. How should we assess their value?

Seabright at times suggests that the value of goods and services depends on the cost of their provision. Thus he writes: ‘the valuation of rights such as the right to free speech depends upon what would be the terms of a social contract in which that right was guaranteed: how much of society's resources would have to be devoted to policing it? The more thoroughgoing the right the more expensive its defence, and the higher the valuation placed upon having that right.’

This seems the wrong test. The value of a right cannot be measured by asking how many resources would have to be devoted to policing it. The right to free speech would then have little value, since the government can ‘police’ this right simply by ceasing to prosecute people for what they say.

Seabright applies this test to other kinds of goods. Thus he writes: ‘Two societies that devote equal effort and resources to television do not differ in their standard of living merely because one society is innovative and creative while the other broadcasts rubbish.’ On this view, it is the cost of services, not their effects of quality, which is the measure of their value. But cost seems never to be the measure of value. If it were, we could not *waste* resources.

Later, however, Seabright writes: ‘In describing the standard of living as involving command over resources rather than the outcomes that result, I should make one point clear. The value of command over given resources may well be dependent on circumstances . . . Thus it may readily be granted that a disabled person has a lower living standard than a fully healthy person commanding the same resources.’ Seabright here concedes that we should assess someone's standard of living, not in terms of the cost of the goods and services which this person commands, but in terms of their value to this person. If you and I have the same resources, but I am disabled, I have a lower standard of living.

This seems to contradict Seabright's earlier claim. If two communities spend equal amounts on television, but one broadcasts rubbish, the value of having television may be, for those in the second community, less. And, if two communities spend as much on education, but one has much worse

educated children, the value of their education may be less. On this, which seems the better view, governments should assess their policies in much broader terms.

(p.415) After granting that disablement lowers one's standard of living, Seabright continues, ‘Amartya Sen has argued that this shows that the concept of the standard of living must be concerned with evaluating outcomes rather than control over resources, but I hope it is now clear that, on the present account, it need show nothing of the kind.’ This is not clear to me. If we believe that a disabled person is worse off than a healthy person with the same resources, Sen seems right to claim that, in our assessment of the standard of living, we look not only at people's control over resources, but also at one aspect of the outcome, namely, what people can *do* with these resources. If people are disabled, their resources enable them to do less.[5]

Seabright continues: ‘The present theory differs from Sen's in allowing only some reasons for the divergence of utility levels to count in standard of living comparisons—namely, those that are sufficiently publicly observable to be the basis of a contract.’ But this seems inaccurate on three counts. Sen does not allow *all* such reasons to count in the standard of living. What he does count—capabilities and functionings—he does not assess in terms of their effects on utility levels. And both capabilities and functionings *are* publicly verifiable. As before, Seabright's premisses seem to allow a broader conclusion.

[III]

I have not yet mentioned another element in Seabright's view: his appeal to pluralism. This I find enigmatic.

‘By a pluralist theory’, Seabright writes, ‘I understand an account of how society should be arranged that incorporates the possibility of multiple and non-trivially divergent views of the good life for individual human beings.’

How might a theory ‘incorporate’ this ‘possibility’? Is it enough for the theory to admit that there might *be* such divergent views? This would be a very weak constraint. It is hard to imagine a theory which would deny this.

Perhaps by the ‘possibility’ of divergent views, Seabright means, not that such views might *exist*, but that they might be *correct*. This suggests two readings of his definition.

On one reading, a social theory is pluralist if it admits that divergent views might *all* be correct. But this cannot be right. When Seabright calls these views ‘non-trivially divergent’, he clearly means that they are incompatible. At most one of them could be correct.[6]

On the second reading, a theory is pluralist if it admits that there are divergent (p.416) views *any one of which* might be correct. This suggests that, to be pluralist, a theory must be *neutral* between these views. And this would be most simply true if this theory does not itself contain any view about the good. Thus Seabright asks ‘whether it is possible for a government's economic policies to incorporate [pluralism]. Or does the very notion of an economic policy presuppose that the government has its own comprehensive theory of the individual good?’ This seems to imply that, to be pluralist, a theory must not contain its own view about the good.

But this seems not to be what Seabright means. He also writes: ‘This does not imply that a pluralist social theory must be neutral between all or even many theories of the individual good; for it to count as pluralist, it is enough for it to be compatible with the assertion of more than one theory of the individual good.’ If a pluralist theory, rather than being neutral between all views about the good, is incompatible with many of these views, it must itself contain some view about the good.

Seabright seems to have in mind a theory which is both (*a*) incompatible with some views about the goods and (*b*) compatible with at least two views that are incompatible with each other. I can imagine ways in which (*a*) and (*b*) could both be true. But I am too unclear what Seabright means to take these comments further.[7]

Notes:

(1) In the printed version of his paper, Seabright qualifies this claim. There are, he admits, various differences between

‘actual contracts’ and ‘hypothetical social contracts’. But even so ‘the nature of real contracts . . . represents an important starting point in the analysis of what social contracts might be’. In this qualified form, Seabright's claim seems too weak to support his conclusions.

(2) In the printed version of his paper, Seabright inserts the word ‘always’. But this makes his claim too weak for his purposes.

(3) In his discussion of these claims, Seabright's only example concerns punishment and personal identity. He writes, ‘it is not an objection to retributive theories of punishment that under conceivable circumstances (those described by Nagel and Parfit . . .) the boundaries between persons might be uncertain and the question “who committed this crime?” might have no answer.’ ‘Our theories of punishment have developed to deal with persons as they are’, not as they might be in such bizarre cases. This misunderstands my aim in appealing to such cases. This was to show that we have certain false beliefs about the nature of personal identity, beliefs which apply also to actual cases, or to persons as they are. If retributive theories rest on such false beliefs, this *is* an objection.

(4) He gives another argument in passing. Some elements of a person's well-being are not society's business because their value essentially depends on their being the activities or achievements of this person. This is why it would be both comic and sinister for a government to undertake to ‘create greater altruism or improve the quality of family life. . . . Not only is this something they *cannot* deliver, but they ought not even to try.’

These claims are plausible, but I believe they exclude little. Though governments cannot *directly* improve the quality of our family life, they can help us to achieve this ourselves, and thus *indirectly* promote this element in our well-being. They can try to make marriages happier by altering family law, promoting creches and flexible work arrangements, and subsidizing marriage guidance counselling. All of these fall within the ‘services’ which Seabright's formula allows, since one can contract to give or to receive such services.

To exclude such services, Seabright would have to claim that these elements in well-being would lose their value if they were indirectly assisted in this way. On this view, the quality of family life would not really count as higher if its improvement came from state-provided marriage guidance: nor would there be value in greater altruism if this came from state-provided moral education. In the case of virtue, Kant made such a claim; but I doubt that Seabright would agree.

(5) Seabright might reply that, on this approach, we are still *evaluating their control over resources*. But this would make his point trivial. Any view, even the purest hedonism, could be stated in these terms.

(6) Such views, he claims, are 'not subsumable under an encompassing theory of the good'. (We might replace 'correct' by 'reasonable'. Perhaps, to be pluralist, a theory must admit that there are divergent views which could all be reasonably held. But this constraint also seems too trivial.)

(7) Seabright also claims that, to be pluralist, a theory 'must count it a social good that there may exist multiple views of the individual good'. If we delete 'may', this seems to define pluralists as those who welcome the holding by different people of incompatible views about the good.

There are various reasons why a theory might welcome such diversity in people's views. It may hold, with John Stuart Mill, that rivalry between these views will help each view to develop, and make it more intelligently and sincerely held. But from this form of pluralism there seems no argument to Seabright's conclusion on the proper sphere of government. A theory could be in this sense pluralist while allowing a government's decisions to reflect, at any time, the views of the good which are then most widely held. This theory's attitude to competing views would then be like a democrat's attitude to competing political parties.